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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,118	11/17/2003	Hajime Suda	008312-0306629	9773

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EXAMINER	
SCHNURR, JOHN R	

ART UNIT	PAPER NUMBER
2623	

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08/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,118	SUDA ET AL.	
	Examiner	Art Unit	
	John R. Schnurr	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/05/2006, 10/05/2005 and 11/17/2003 .

DETAILED ACTION

1. This Office Action is in response to Application No. 10/713,118 filed 11/17/2003. Claims 1-10 are pending and have been examined.

2. The information disclosure statements (IDS) submitted on 01/05/2006, 10/05/2005 and 11/17/2003 were considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: Referring to figure 1, the apparatus 10 is improperly labeled as "the apparatus 100" and "the apparatus 0.10" in paragraphs [0026] and [0033], respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaizu et al. (US Patent Application Publication 2002/0097985)**, herein Kaizu, in view of **Ellis et al. (US Patent Application Publication 2005/0028208)**, herein Ellis.

Consider **claim 1**, Kaizu clearly teaches a digital video-data recording/reproducing apparatus, comprising:

a communications unit which is to be connected to a network and which transmits and receive data; **(Fig. 1 personal computer 1, [0039])**

a reservation-storing unit **(Fig. 2 RAM 23)** which stores recording reservation data provided from the network; **([0126])**

a data-acquiring unit which transmits a request for the recording reservation data to an information-providing site connected to the network, **(Fig 9: In step S24 the CPU 21 executing the browser 91 requests download of the preset recording data from EPG server 7, [0107]-[0108].)** acquires the recording reservation data provided from the information-providing site, **([0108])** and transfers the recording reservation data to the reservation-storing unit. **([0126])**

Kaizu further teaches that a mobile device, information terminal, maybe used to control the recording. **([0045])**

However, Kaizu does not explicitly teach the information terminal communicating the request for the recording to the data-acquiring unit.

In an analogous art Ellis, which discloses a system for remotely accessing an electronic program guide, clearly teaches communicating a request for recording from an information terminal to a data-acquiring unit. **(Fig. 6a: Remote program guide access device 24 may communicate via Internet service system 61 with the user television equipment 22 to request a program recording, [0099]-[0100].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Kaizu by allowing a remote terminal to send a request for recording to the home terminal, as taught by Ellis, for the benefit of allowing the user to interact with a set-top box without being physically located near the set-top box ([0005] Ellis).

Consider **claim 2**, Kaizu combined with Ellis, as in claim 1, clearly teaches the data-acquiring unit generates and transmits data-acquisition data to the information terminal via the communications unit after acquiring the recording reservation data, **(Program guide data or display screens can be forwarded to remote program device 24 from user television equipment 22, [0074] Ellis.)** the data-acquisition data indicating that the data-acquiring unit has acquired the recording reservation data. **(Fig. 15 [0128])**

Consider **claim 3**, Kaizu combined with Ellis, as in claim 1, clearly teaches the data-acquiring unit transmits the recording reservation data acquired from the information- providing site, to the information terminal via the network. **(EPG**

information can be transmitted to remote program device 24 from user television equipment 22, [0074] Ellis.)

Consider **claim 4**, Kaizu combined with Ellis, as in claim 1, clearly teaches the reservation-storing unit and the data-acquiring unit shares a memory which is configured to store the recording reservation data, **(Fig. 2 RAM 23, [0126] Kaizu)** and the memory stores recording reservation data changed or containing additional data items and transmitted from the information terminal to the data-acquiring unit via the communications unit. **(Fig. 6a: Remote program guide access device 24 may communicate via Internet service system 61 with the user television equipment 22 to request a program recording or schedule a reminder, [0099]-[0100].)**

Consider **claim 5**, Kaizu combined with Ellis, as in claim 1, clearly teaches the network is the Internet, **(Fig 1: Internet 6, [0035] Kaizu)** the recording reservation data is electronic program guide information, **(Fig. 1: Recording information is downloaded from EPG server 7, [0036] Kaizu.)** the information terminal is connected to the Internet, **([0097] Ellis)** the information-providing site is connected to the Internet and provides electronic program guide information, **(Fig. 1: EPG server 7 is connected to the Internet 6, Kaizu.)** and the data-acquiring unit acquires the electronic program guide information by downloading the same, **(Fig 9: In step S24 the CPU 21 executing the browser 91 requests download of the preset recording data from EPG server 7, [0107]-[0108] Kaizu.)** in response to a request made by the information terminal. . **(Fig. 6a: Remote program guide access device 24 may communicate via Internet service system 61 with the user television equipment 22 to request a program recording, [0099]-[0100] Ellis.)**

Consider **claim 6**, Kaizu clearly teaches a method of reserving the recording of a program, for use in a data recording/reproducing apparatus which comprises a communications unit connected to a network and which stores recording reservation data, said method comprising:

receiving a request for acquiring the recording reservation data, **(Fig. 9 Step S24, [0104])**

transmitting a request for the recording reservation data to an information-providing site connected to the network, in response to the request for acquiring the recording reservation data; **(Fig 9: In step S24 the CPU 21 executing the browser 91 requests download of the preset recording data from EPG server 7, [0107]-[0108].)**

acquiring and storing the recording reservation data provided from the information-providing site. **([108] and [0126])**

Kaizu further teaches that a mobile device, information terminal, maybe used to control the recording. **([0045])**

However, Kaizu does not explicitly teach the information terminal communicating the request for the recording to the data-acquiring unit.

In an analogous art Ellis, which discloses a system for remotely accessing an electronic program guide, clearly teaches communicating a request for recording from an information terminal to a data-acquiring unit. **(Fig. 6a: Remote program guide access device 24 may communicate via Internet service system 61 with the user television equipment 22 to request a program recording, [0099]-[0100].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Kaizu by allowing a remote terminal to send a request for recording to the home terminal, as taught by Ellis, for the benefit of allowing the user to interact with a set-top box without being physically located near the set-top box ([0005] Ellis).

Consider **claim 7**, see claim 2.

Consider **claim 8**, see claim 3.

Consider **claim 9**, see claim 4.

Consider **claim 10**, see claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

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